

Article - Natural Resources

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§3–1009.

(a) (1) This section applies to State and local capital projects for which at least 50% of the project costs are funded with State funds.

(2) This section does not apply to a capital project that costs less than \$500,000.

(b) (1) Beginning July 1, 2020, if a State or local capital project includes the construction of a structure or highway facility, the structure or highway facility shall be constructed in compliance with siting and design criteria established under subsection (c) of this section.

(2) Beginning July 1, 2020, if a State or local capital project includes the reconstruction of a structure with substantial damage, the structure shall be reconstructed in compliance with siting and design criteria established under subsection (c) of this section.

(c) (1) The Council, in consultation with the Department and the Department of Transportation, shall establish Coast Smart siting and design criteria to address sea level rise inundation and coastal flood impacts on State and local capital projects.

(2) The criteria adopted under this subsection shall include:

(i) Guidelines and any other directives applicable to the preliminary planning and construction of a proposed capital project;

(ii) A requirement that a structure be designed and constructed or reconstructed in a manner to withstand the storm surge from a storm that registers as a category 2 on the Saffir–Simpson hurricane wind scale, including a requirement for structures to be constructed or reconstructed at a minimum elevation above the projected storm surge; and

(iii) Provisions establishing a process to allow a unit of State or local government to obtain a waiver from complying with the requirements of subsection (b) of this section.

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